

THE DIOCESE OF NEWCASTLE (RESPONSIBLE PERSON) ORDINANCE 2015

Be it ordained by the Diocesan Council in accordance with the Synod (Delegation of Powers) Ordinance 2009 as follows:

1. Title

This Ordinance may be cited as the DIOCESE OF NEWCASTLE (RESPONSIBLE PERSON) ORDINANCE 2015.

2. Definitions

In this Ordinance, unless contrary intention appears -

- a. ACNC – means the Australian Charities and Not for Profits Commission or any successor body to that Commission.
- b. governance body – means the Trustees of Church Property, the Diocesan Council, the board, council, committee of any organisation, school, or activity established by Ordinance of Synod.
- c. member – means the member of a governance body.

3. Overarching purpose

The purpose of this Ordinance is to ensure that members of governance bodies in the Diocese are aware of their duties as a responsible person and that a person not fulfilling the duties of a responsible person can be removed from office.

4. Duties of a Responsible Person

A responsible person in the Diocese of Newcastle shall

- (a) Fulfil the duties of a responsible person as defined by the ACNC;
- (b) Comply with the standards outlined in any code of conduct established in accordance with the Professional Standards Ordinance 2012;
- (c) Comply with expectations of behaviour in our church community as established by the General Synod and adopted in this Diocese;
- (d) Use their best endeavours to ensure that the governance body undertakes its affairs in accordance with the Canons, Ordinances, Rules and Policies of the Diocese.

5. Education on the duties of responsible persons

- (a) The Diocesan Business Manager shall advise each governance body of the duties of responsible persons at least once in each calendar year and otherwise as required.
- (b) The governance body shall ensure that each of its members is reminded of the duties of responsible persons at least once in each calendar year and otherwise as required.

6. Responsible Person

- (a) Every governance body shall at least once each year and otherwise as required obtain a responsible person's declaration from each member of the governance body in the format required by the ACNC.

7. Removal from office

- (a) The Bishop may remove a member from a governance body, specified governance bodies or from all governance bodies before the expiration of the member's term of office by notice in writing to that member where the Bishop
 - (i) is advised that a member has not submitted a responsible person's declaration when required to do so by the governance body; or
 - (ii) is advised that a member have been disqualified by the ACNC in the past year, or is disqualified from managing a corporation within the meaning of the *Corporations Act 2001* (Cth); or
 - (iii) forms the view that a member is not fulfilling the duties of a responsible person; or
 - (iv) forms the view that a member is not a fit and proper person to be a member.
- (b) A member is suspended from a governance body or governance bodies specified by the Bishop with immediate effect from the date the Bishop gives notice in accordance with section 7(a).
- (c) Where the member is not an ex-officio member the member may within fourteen days of the notice from the Bishop submit in writing (not exceeding a reasonable length) that the decision of the Bishop should be varied by the Diocesan Council at its next ordinary meeting. The submission should be made to the Diocesan Business Manager.
- (d) The submission of any member in accordance with section 7(c) shall be circulated to every member of the Diocesan Council prior to the next ordinary meeting.
- (e) The Diocesan Council shall review the submission of the member together with such information as the Bishop puts to the meeting.
- (f) The Diocesan Council may by resolution approved by two thirds of the members present and voting vary the decision of the Bishop to remove an elected or appointed member.
- (g) The decision of the Diocesan Council shall be final.

8. Cessation of Membership

- (a) The member shall cease to be a member of a governance body or governance bodies as declared by the Bishop where
 - (i) the member not being an ex-officio member does not make a submission in accordance with section 7(2); or
 - (ii) the member not being an ex-officio member makes a submission but the Diocesan Council at its next ordinary meeting does not resolve to vary the decision of the Bishop; or
 - (iii) the member being an ex-officio member resigns, retires or is otherwise removed from the office giving rise to ex-officio membership.
- (b) The cessation of membership in accordance with this Ordinance shall constitute a vacancy for the purpose of any ordinance of Synod whether or not such ordinance makes provision for a vacancy to occur in this manner.

- (c) The member may not be elected or appointed to any governance body
 - (i) whilesoever they are a disqualified person for the purposes of the ACNC, or
 - (ii) if the person is not a disqualified person for the purposes of the ACNC for a period of two years or such lesser period determined by the Bishop at the time the person is removed from office.

9. Powers of the Bishop

The Bishop may

- (a) rescind a decision to remove a member from office at any time,
- (b) permit a person, who has been removed from office, to be elected or appointed to a governance body, if the person is not a disqualified person for the purposes of the ACNC,
- (c) seek such assistance as the Bishop requires in making a decision in accordance with this Ordinance, and/or
- (d) do all such things as are necessary to ensure that the overarching purposes of this Ordinance are fulfilled.

I HEREBY CERTIFY the Ordinance as printed is in accordance with the Ordinance as reported.

PASSED BY DIOCESAN COUNCIL on the **30th** day of **April 2015**.